

### **REMARKS**

Applicants wish to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

### **Formal Matters**

In this Response, claims 7-18 and 20 are pending, and all pending claims are amended. Claims 1-6 and 19 are canceled. Specifically, independent claims 7, 13, and 20 are amended to more clearly recite the invention by reciting that reprocessing the endoscope equipment includes at least one of cleaning the endoscopic equipment, and sterilizing the endoscopic equipment. Support for this amendment can be found in the specification on page 5, lines 13-14. The claims are also amended to correct antecedent basis and minor editorial errors. Care has been taken to ensure no new matter is being entered.

Applicants thank the Examiner for acknowledging the claim of foreign priority under 35 U.S.C. 119 (a)-(d), and for review and consideration of the references cited in the Information Disclosure Statements filed on January 16, 2004 and March 15, 2004.

### **Rejection of Claims Under 35 U.S.C. §112**

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully disagree and traverse this rejection. Figure 2 shows a rentee system (hospital 2) having an examination category input section (reception terminal 21), an examination date and time specifying section (examination room terminal 23), and a rental order generating section (consulting room terminal 22). Figure 2 also shows a rental service system (endoscope equipment rental center 3) having an endoscope equipment securing section (reception terminal 31), an endoscope equipment dispatching section (stock room terminal 32),

and a reprocessing section (reprocessing room terminal 33). These elements are also described in the specification beginning on page 4, line 8 and continuing to page 5, line 6. Hence, the elements of the claims are supported by the specification, and the claims are not indefinite. Moreover, the claims as amended herein more clearly recite the invention. In particular, the “securing step (or section) of securing the endoscope equipment” is amended to recite “managing securing of the endoscope equipment” and the “reprocessing step (or section) is amended to recite “managing recovering the endoscope equipment ... and reprocessing the endoscope equipment”. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Rejection of Claims Under 35 U.S.C. §101**

Claims 1-6, 13-18, and 19-20 are rejected under 35 U.S.C. § 101 because the claims recite non-statutory subject matter. Applicants respectfully disagree and traverse this rejection. Claims 13-18 and 20 recite statutory subject matter of a system having the elements detailed above, shown in the specification beginning on page 4, line 8 and continuing to page 5, line 6, and illustrated in Figure 2. Claims 1-6 and 19 are canceled. Thus, withdrawal of this rejection is respectfully requested.

#### **Rejection of Claims Under 35 U.S.C. §103**

Claims 7-12, 1-6, 13-18, and 19-20 are rejected under 35 U.S.C. § 103(a) as unpatentable over Nakao et al., U.S. Patent Application Publication No. 2003/0098022 (hereinafter “Nakao”) in view of Royer et al., U.S. Patent Application Publication No. 2005/0187833 (hereinafter “Royer”) or vice versa. This rejection should be withdrawn based on the comments and remarks herein.

Among the problems recognized and solved by Applicants’s claimed invention is that, compared to other types of medical equipment, reprocessing endoscope equipment after use

requires many hours of cleaning and/or sterilizing the endoscope equipment. Applicants's inventive solution manages reprocessing and makes the reprocessing efficient with a rental service system. A comparison of endoscope equipment to other types of medical equipment reveals that reprocessing and/or maintenance of endoscope equipment has peculiar problems. Specifically, much time is needed to reprocess, e.g., clean, sterilize, and the like, endoscope equipment after use. For example, endoscope equipment maintenance includes checking for leakage. Because endoscope equipment must be reprocessed after each patient use, and because of the significant amount of time needed to reprocess endoscope equipment, a large number of endoscopes would be needed to quickly perform endoscopic examinations on multiple patients. However, the reprocessing of endoscope equipment between use on different patients can be realized reliably and efficiently by making uniform the reprocessing management of the endoscope equipment in accordance with the rental service system and method recited in the claims of the present invention.

The Examiner acknowledges that Nakao does not disclose a rental service method, and does not teach or suggest reprocessing rental equipment. The Examiner also acknowledges that Royer does not disclose equipment related to medical equipment and a rentee method. However, the Examiner alleges that Royer teaches a reprocessing step or section for recovering equipment after the rental has terminated, and reprocessing the equipment. Applicants respectfully disagree. Royer discloses a system that tracks equipment inventory at various locations, and the inventory is automatically updated when equipment is dispatched to another location or received from another location (paragraph [0038]). Royer does not teach or suggest managing the reprocessing of equipment when it is recovered after the rental has terminated. Royer does not teach or suggest a reprocessing section (or reprocessing) managing recovering and reprocessing

of endoscope equipment, wherein the reprocessing includes at least one of cleaning the endoscope equipment and sterilizing the endoscope equipment, as recited in independent claims 7, 13, and 20.

Moreover, the Examiner contends that Nakao inherently includes a step of generating an order for rental of medical equipment. Applicants respectfully disagree. Nakao merely discloses performing processes including receiving a request for renting a medical equipment, and does not expressly or inherently include generating an order for rental. Applicants respectfully request that the Examiner provide support for this contention that Nakao inherently includes such a step.

It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the combination of Nakao and Royer does not teach or suggest a step of reprocessing, or a reprocessing section, managing recovering and reprocessing of endoscope equipment, wherein the reprocessing includes at least one of cleaning the endoscope equipment, and sterilizing the endoscope equipment. Hence, the combination of Nakao and Royer does not teach or suggest each feature of independent claims 7, 13, and 20, so that *prima facie* obviousness has not been established. Accordingly, these independent claims patentably distinguish over the art of record in the application. Claims 8-12 depend from claim 7, and claims 14-18 depend from claim 13, so that these dependent claims patentably distinguish over the art of record for at least the reasons that their base claims patentably distinguish over the art of record in the application. Claims 1-6 and 19 are canceled.

Further, dependent claims 10-12, and 16-18 patentably distinguish from the art of record in the application independent of their base claims. Claims 10-12 and 16-18 recite types of

endoscope equipment, and an examination category correspondence table which associates categories of endoscopic examination with types of endoscope equipment. The Examiner acknowledges that Royer does not disclose equipment related to medical equipment, and does not teach or suggest types of endoscope equipment or associating categories of endoscopic examination with types of endoscopic equipment. However, the Examiner alleges that Nakao teaches such an examination category correspondence table. Applicants respectfully disagree. Nakao discloses transmitting data from nebulizer (medical equipment) to health server in Figure 14. This data includes identification of the nebulizer and measurements obtained from the nebulizer (paragraph [0114]). Nakao also discloses a health site displaying information from the nebulizer in Figure 19. The information displayed on the health site does not include examination information and does not include categories of endoscopic examination (see paragraphs [0150] and [0151]). Thus, Nakao does not teach or suggest categories of endoscopic examination, and does not teach or suggest a correspondence table associating categories of endoscopic examination with types of endoscope equipment as recited in the claims of the present invention. Accordingly, claims 4-6, 10-12, and 16-18 patentably distinguish over the art of record in the application.

Therefore, withdrawal of this rejection is respectfully requested.

### **Conclusion**

In light of the foregoing, Applicants respectfully submit that all pending claims recite patentable subject matter, and kindly solicit an early and favorable indication of allowability. If the Examiner has any reservation in allowing the claims, and believes a telephone interview

would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Katherine R. Vieyra', written in a cursive style.

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